SAMUEL GLADNEY.

MAY 25, 1842.

Read, and laid upon the table.

Mr. MOORE, from the Committee on Private Land Claims, made the following

REPORT:

The Committee on Private Land Claims, to whom was referred the petition of Samuel Gladney, report:

That they have had the same under consideration, and are of opinion that the prayer of the petitioner ought not to be granted.

The petitioner states in substance that, in 1828, he purchased a tract of land of one hundred arpens, in Lincoln county, Missouri, from John Lowe, assignee of Albert Tison, who held under a Spanish grant; that the commissioners, acting under the provisions of the act of 1832 and 1833, for the final adjustment of private land claims in Missouri, placed the claim of Albert Tison in the second class, and that it was rejected by Congress in 1836; that, during the investigation, the petitioner cultivated the land, but resided on another tract, which he also cultivated, but which was so detached that it was impossible to claim residence on both; that he was compelled to lose a part of the land he purchased, and therefore failed to make good a right of pre-emption, under said acts, to this tract. A paper purporting to be a copy of the deed from Albert Tison to John Lowe, assigned over to the petitioner, appears in the papers; and the petitioner states that the land has been entered under other pre-emption claims, and he prays that Congress grant him a floating pre-emption right for one hundred arpens of land.

The only evidence filed is the certificate of the register, stating that the claim was rejected in consequence of the provisions of the act not having been complied with, "*so far at least as it was necessary that the claimant should be a housekeeper upon the land claimed.*"

No designation is given either of the particular tract or to whom the Spanish grant was made; but your committee had before them, at the same time, a petition of the representatives of Albert Tison, praying confirmation of ten tracts of land designated by the said commissioners in the second class, from No. 128 to 137, (see document 16, Senate, 24th Congress, 1st session, page 361 to 367,) and we conclude that this is part of the same claim, or of another of the like nature.

The third section of the act of 1832, quoted, provides that "*actual settlers, being householders, upon such lands as are rejected, claiming to hold*

under such rejected claim, or such as may receive their grant, shall have the right of pre-emption, not to exceed 640 *acres, to include their improvements.*"

Expressions in the petition, and in the petitioner's letters filed among the papers, together with the guarded wording of the certificate, and the fact that the tract is not designated, induced the committee to believe that the petitioner obtained a pre-emption right to another tract of land under the provisions of the law; and there is nothing to show that the hundred arpens did not belong to or form part of the same Spanish grant under which a pre-emption was obtained: if so, there must have been a voluntary abandonment of the Spanish grant; if not, the petitioner has still his recourse against his venders in warranty, and to the judicial tribunals under treaty stipulations, by virtue of the Spanish grant, if it is a good one. The provisions of the act of 1832 and 1833, quoted, are liberal, well calculated to do justice to claimants, and intended, no doubt, to put an end to further legislation on the subject, after a solemn decision by a board of commissioners thus constituted, and the action of Congress had thereupon. It would be a most injudicious, troublesome, and expensive course of policy, again to entertain each separate rejected claim, unless some manifest injustice or errors had been committed by the commissioners, which is not made to appear in this case.